

### **Remarks**

The present Amendment and Response is believed to be fully responsive to the Non-final Office Action mailed March 30, 2009. After entry of the present Amendment, Claims 1-3, 6, 7, 11-15, 18, 19, and 22-25 are pending in this application. By this Amendment, independent Claims 1 and 13 and dependent Claims 6, 7, 11, 12, 18, 19, 22, and 23 have been amended. New dependent Claims 24 and 25 have been added. Dependent Claims 4, 5, 8-10, 16, 17, 20, and 21 were previously canceled without prejudice by prior response. It is respectfully asserted that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

The Attorney for the Assignee would like to thank the Examiner for the telephonic Examiner's Interview that was conducted on June 24, 2009. During the Interview, various embodiments of the claimed inventions were discussed as well as distinctions between the claimed inventions and the *Amalraj* reference. More specifically, embodiments of the claimed inventions generally relate to a dynamic approach to evaluating debit options and credit options that are available for processing a particular payment. One of a plurality of processing factors may be selected in order to evaluate the available debit options and credit options. For example, available debit and credit options may be evaluated based on speed or cost. The various combinations of debit options and credit options may then be evaluated utilizing the selected processing factor and an optimal combination of one debit option and one credit option may be selected. During the evaluation, a respective function of the values for the selected processing factor may be determined for each combination of available debit and credit options.

As one example, a speed of processing factor may be selected. Each available debit option and credit option may have an associated speed of processing value stored in a database. The various combinations of debit and credit options may be evaluated by determining a function of the speed of processing values for each combination of debit and credit options. One simplified example of a function includes determining a sum of the speed of processing values for each combination. After the evaluation of the various combinations, an optimal combination of one debit option and one credit option may be determined. For example, the combination of one debit option and one credit option with the most optimal speed rating may be selected.

In marked contrast to the claimed inventions, *Amalraj* describes a serial approach for editing payment instructions (See *Amalraj* at FIG. 11 and associated text). *Amalraj* does not teach or suggest the selection of one of a plurality of payment processing factors that will be used to evaluate various combinations of debit options and credit options. Additionally, *Amalraj* does not teach or suggest evaluating the various combinations of debit options and credit options by determining a respective function of the stored values for the selected processing factor. Accordingly, as discussed in the Interview, it is respectfully submitted that the claimed inventions are not anticipated by *Amalraj* and, therefore, are in condition for allowance.

#### **Claim Rejections Under 35 U.S.C. § 102**

In the Office Action, Claims 1-3, 6-7, 11-15, 18-19, and 22-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0215560 to Amalraj et al. (hereinafter "*Amalraj*"). More specifically, the Office Action asserted that *Amalraj* teaches a system that stores, for each of a plurality of payment processing debit options and credit options, a respective value for each of a plurality of payment processing factors, including at least two of (i) a cost of processing factor, (ii) a risk of processing factor, and (iii) a speed of processing factor. The Office Action further asserts that *Amalraj* teaches determining an optimal combination of one debit option and one credit option based on evaluating a function applied to each of a plurality of combinations of an applicable debit option and an applicable credit option.

It is believed that the examined claims are allowable over *Amalraj*. However, in order to expedite the allowance of the present application, independent Claims 1 and 13 have been amended to clarify the claimed inventions of the independent claims. More specifically, independent Claim 1 has been amended to recite storing, for each of a plurality of debit options and a plurality of credit options, "a respective predetermined numeric value for each of a plurality of payment processing factors, wherein the plurality of payment processing factors comprise (i) a cost of processing factor and (ii) a speed of processing factor" (Underlining supplied). Additionally, amended independent Claim 1 recites "selecting ... one of the plurality of payment processing factors based on a preference" and "evaluating ... each of a plurality of combinations of applicable debit options and applicable credit options ... wherein the evaluation

comprises determining a respective function of the values for the selected processing factor for each combination" (Underlining supplied). Independent Claim 13 has been amended in a similar manner. Support for these amendments may be found at least in paragraphs [0190] – [0201] of the Specification as filed and in FIGS. 6A, 6B, 7, and 11.

It is respectfully submitted that *Amalraj* does not teach or suggest each and every element of the amended independent claims and, therefore, does not anticipate those claims. First, *Amalraj* fails to teach or suggest a plurality of payment processing factors that comprise a cost of processing factor and a speed of processing factor. Although *Amalraj* conducts risk processing (See *Amalraj* at paragraph [0097]) and examines operational preferences relating to the cost of implementing a payment instruction (See *Amalraj* at paragraph [0098]), there is no teaching or suggestion in *Amalraj* of examining the speed of processing a payment instruction. Accordingly, it is respectfully asserted that *Amalraj* does not teach or suggest the storage of respective values for various debit options and credit options for a speed of processing factor.

Additionally, there is no teaching or suggestion in *Amalraj* of storing a respective predetermined numeric value for each of a plurality of payment processing factors, as recited by the amended independent claims. The Office Action cites to paragraphs [0097] and [0098] of *Amalraj* to argue that *Amalraj* teaches the storing of a value for each of a plurality of payment processing factors. Although the cited text discusses the examination of risk preferences and cost preferences, the cited text does not teach or suggest the storage of predetermined numeric values for the various preferences.

Moreover, *Amalraj* does not teach or suggest selecting one of the plurality of payment processing factors based on a preference and then evaluating the various combinations of applicable debit options and credit options using the selected processing factor. In marked contrast, *Amalraj* describes a serial approach for editing payment instructions (See *Amalraj* at FIG. 11 and associated text). Although *Amalraj* analyzes payment instructions utilizing several different factors, every payment instruction is analyzed in the same manner and the factors are applied in the same order. There is no dynamic selection in *Amalraj* of a processing factor that is utilized to analyze various debit and credit options based on a preference. There is also no teaching or suggestion in *Amalraj* of evaluating each of a plurality of combinations of applicable

debit options and applicable credit options by determining a respective function of the values for the selected processing factor for each combination.

For at least the above stated reasons, it is respectfully asserted that amended independent Claims 1 and 13 are allowable over *Amalraj*. Therefore, it is respectfully asserted that the amended independent claims are in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 2, 3, 6, 7, 11, 12, 14, 15, 18, 19, and 22-25 are allowable as a matter of law as being dependent on an allowable base claim, notwithstanding their independent recitations of patentable subject matter.

**Conclusion**

It is believed that each matter raised by the Office Action has been responded to. Allowance of the pending claims is respectfully solicited. It is not believed that extensions of time or additional fees are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference call or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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